

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS**

October 21, 2013 – 6:00 PM

J. NEWTON COHEN, SR. ROOM

J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING
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Present: Jim Sides, Chairman
Craig Pierce, Vice-Chairman
Jon Barber, Member
Mike Caskey, Member
Chad Mitchell, Member

County Manager Gary Page, Clerk to the Board Carolyn Barger, County Attorney Jay Dees and Finance Director Leslie Heidrick were present.

Chairman Sides convened the meeting at 6:00 p.m.

Commissioner Barber provided the Invocation and also led the Pledge of Allegiance.

CONSIDER ADDITIONS TO THE AGENDA

There were no additions to the agenda.

CONSIDER DELETIONS FROM THE AGENDA

There were no deletions from the agenda.

CONSIDER APPROVAL OF THE AGENDA

Commissioner Barber moved, Commissioner Pierce seconded and the vote to approve the agenda passed unanimously.

CONSIDER APPROVAL OF THE MINUTES

Commissioner Barber moved, Commissioner Pierce seconded and the vote to approve the minutes of the October 7, 2013 Commission Meeting passed unanimously.

1. CONSIDER APPROVAL OF CONSENT AGENDA

Commissioner Barber moved approval of the Consent Agenda. The motion was seconded by Commissioner Pierce and passed unanimously.

The Consent Agenda consisted of the following:

- A. Annual Agreement for FY 2013-14 HOME Program
- B. Request to Set a Public Hearing – Possible CDBG Application
- C. Register of Deeds Records Retention and Disposition Schedule Amendment
- D. County Management Records Retention and Disposition Schedule Amendment

2. PUBLIC COMMENT PERIOD

Chairman Sides opened the Public Comment Period to entertain comments from any citizens wishing to address the Board. The following individual came forward:

- Larry Wright expressed his displeasure with the federal shutdown that resulted in the closing of a World War II Memorial and closed parkways. Mr. Wright referred to demonstrations in Raleigh, which he stated were staffed by paid demonstrators from out of state. Additionally, Mr. Wright commented that the County did not need to bail out the bankers in downtown Salisbury with regards to the Empire Hotel.

Chairman Sides said he would like to take the opportunity to publicly apologize to Jack Burke. Chairman Sides explained that Mr. Burke had signed up to speak during Public Comment Period at the last Board of Commissioners meeting. Chairman Sides said he had inadvertently missed Mr. Burke's name when recognizing the speakers. Chairman Sides said he would have never intentionally skipped over Mr. Burke or any other speaker. Chairman Sides said he had apologized directly to Mr. Burke and Mr. Burke had accepted his apology.

With no one else wishing to address the Board, Chairman Sides closed the Public Comment Period.

3. PUBLIC HEARING FOR Z 04-13

Senior Planner Shane Stewart reported that Larry Shackleford had requested rezoning of approximately 4.75 acres located at 15225 US 52 Highway owned by Phil and Kitty Leonard. The property is referenced as Tax Parcel 542-25 and Mr. Shackleford was seeking a zoning change from Neighborhood Business (NB) to Commercial, Business, Industrial (CBI). This parcel was rezoned in 2006 from Rural Agricultural (RA) to NB (**Z 06-06**).

Mr. Stewart said in accordance with the East Rowan Land Use Plan, the property was evenly divided into Area One and a Commercial / Industrial area in addition to the Highway Corridor Overlay for US 52. Expansions to existing businesses that minimize conflict with surrounding uses are encouraged throughout Area One. Mr. Stewart said considering heavy impact uses are encouraged in the

surrounding area, a CBI zone, which permits low to medium intensity industrial possibilities, would be appropriate per the plan.

According to the Staff Report, a portion of the property was located within the Tuckertown Watershed (WS-IV PA), which limits new development requiring an erosion control plan (projects disturbing more than one [1] acre) to 36% impervious coverage (assuming no curb and gutter or SNIA permit) of the post-1994 undeveloped area.

Mr. Stewart reviewed the zoning criteria contained in the staff report. Mr. Stewart said since the request would be considered a small-scale rezoning, the Board of Commissioners must develop a statement of reasonableness before approving or denying the request to address any claims of spot zoning. A statement of consistency is also necessary to address the relationship between the request and any applicable county adopted plans prior to making a decision to approve or deny the request.

Mr. Stewart said the Planning Board voted unanimously (8-0) to recommend approval as presented, based on the statements listed below.

Statement of Consistency:

- 1) The rezoning request Z 04-13 is consistent with the Eastern Land Use Plan pg. 26(C) which states "Proposals for expansion of existing businesses that minimize conflict with surrounding residential uses through design standards or impact mitigation techniques are encouraged in the Planning Area."
- 2) Property is located at the intersection of US Hwy 52 and Old Beatty Ford Rd where traffic is below 50% of the NCDOT's Comprehensive Transportation Plan and this change to a CBI zoning district will have only a minor affect on traffic levels.
- 3) Water and septic are provided on site and this change should not impact utilities as best staff could determine.
- 4) Impact on any schools is not applicable.
- 5) Furthermore, the change from NB to CBI will have little impact if any, on the surrounding area.

Statement of Reasonableness:

- 1) This is a 4.75 acre tract. In the Eastern Land Use Plan, this parcel is evenly divided into Area One, CBI, and the Highway Corridor Overlay for Hwy. 52. Therefore, expansions are encouraged in Area One since so much of the adjacent land is zoned Industrial. A CBI rezoning would be an appropriate transition zone. This is very visible in the map provided in the Staff Report.
- 2) NB and CBI uses are similar, but CBI does permit more manufacturing, wholesale trade, and other uses. However, the additional land use options would be reasonably consistent with uses presently allowed in the NB permitted area and would encourage the aforementioned expansions that are desirable in Area One of the Eastern Land Use Plan.

- 3) There does not appear to be any benefit to the owner at the expense of the neighbors or surrounding community.
- 4) In April 2013, Parcel 542-044 and 542-045 located at 15185 US Hwy 52, Gold Hill, was rezoned from Rural Agriculture to Commercial, Business, Industrial, with auto sales as a conditional use.
- 5) The rezoning from NB to CBI based on these facts, establishes that this is a reasonable zoning change.

Chairman Sides opened the public hearing to receive citizen input regarding Z 04-13. With no one wishing to address the Board, Chairman Sides closed the public hearing.

Commissioner Mitchell moved approval of the recommended Statements of Reasonableness and Consistency (listed above) . The motion was seconded by Commissioner Barber and passed unanimously.

Commissioner Mitchell moved, Commissioner Barber seconded and the vote to approve Z 04-13 carried unanimously.

4. PUBLIC HEARING FOR FY 2015 COMMUNITY TRANSPORTATION GRANT

Gary Price, Rowan Transit System Director, reported the North Carolina Public Transportation Division was accepting Community Transportation Program (CTP) applications for Fiscal Year 2015. Mr. Price said the CTP was the principal source of funding for RTS operations.

An overview of the funding was provided as follows:

Administration:

Requesting \$189,997: \$161,496 or 85% grant & \$28,501 or 15% County match

1. Grant will support two positions, travel, communications, utilities, fleet insurance and office expenses.
2. The approved Indirect Cost Allocation Plan will reimburse County \$11,484 for administrative support.
3. The Indirect Cost reimbursement has the effect of reducing Co. match to \$17,017 or 9% of total administration cost.

Capital Equipment:

Requesting \$356,271: \$320,643 or 90% grant & \$35,628 or 10% County match

4. DOT uses a 115,000 mile vehicle replacement schedule. Six vehicles qualified for replacement in FY '15.
5. There is no guarantee new vehicles will be approved by NCDOT.
6. New vehicle deliveries arrive in spring of 2015. Actual replacement mileage will average 150,000 miles.
7. Upon delivery of new vehicles, old vehicles must be sold at one of the County auctions.

8. Average sale price of the last four vans was \$2,000. DOT requires proceeds to be spent on transit operations.
9. A Facility Access Control System has been added to the capital equipment request this year to improve RTS Security. The estimated cost of the system is \$3,351.

Chairman Sides opened the public hearing to receive citizen input on the FY 2015 CTP application. With no one wishing to address the Board, Chairman Sides closed the public hearing.

Commissioner Pierce moved, Commissioner Barber seconded and the vote to adopt the CTP Resolution as submitted passed unanimously.

Commissioner Barber moved to accept the CTP Grant. The motion was seconded by Commissioner Pierce and passed unanimously.

5. PUBLIC HEARING FOR AMENDMENT OF HOME ACTION PLANS

Senior Planner Shane Stewart said the County proposed to partner with the Town of East Spencer (Town) for new home construction utilizing portions of its FY 2012-13 and FY 2013-14 HOME funds. The County will provide the funding source and the Town will contribute one (1) of several municipally-owned parcels located on Cedar Street. As part of this partnership, the Town is responsible for the 25% funding source match; eligible sources include the land, survey costs, tap fees, etc. The required match for other program activities not associated with the East Spencer partnership remain the County's responsibility.

Mr. Stewart said since the adopted HOME Action Plans for these project years did not include new home construction as a designated activity, the plans require amending. To do so, a public hearing acknowledging the addition of program activities is required. Mr. Stewart said along with new home construction, Staff also recommended that demolition and acquisition and rehabilitation of foreclosed homes as options in both program years and down payment assistance be an eligible activity in the FY 2012-2013 program.

Mr. Stewart said both the 2012-13 and 2013-14 programs were administered by the Salisbury Community Development Corporation. Current balances for the respective program years were:

§ FY 12-13: Administration \$8,304.00 Rehabilitation \$127,213.00
§ FY 13-14: Administration \$8,258.00 Rehabilitation \$137,625.00

Chairman Sides opened the public hearing to receive citizen input regarding the HOME Action Plans Amendments and the following individual came forward:

- Barbara Mallet, Mayor for the Town of East Spencer (Town), said the Town was striving to improve the Town through partnerships and

community efforts. Mayor Mallet thanked the County for its assistance and said she looked forward to the future partnerships.

With no one else wishing to address the Board, Chairman Sides closed the public hearing.

Commissioner Barber moved, Commissioner Pierce seconded and the vote to adopt the amended program activities passed unanimously.

6. PICTOMETRY DEMONSTRATION

Rich Rothman with Pictometry International Corporation, an orthophotography company, discussed the benefits of using orthophotography. Mr. Rothman discussed the software, which he said allowed for any item in an image to be measured. Mr. Rothman said the software enabled those in public safety, such as police, emergency management, etc. to have critical information when responding to calls. Mr. Rothman described how the technology provided the measurements of structures, which was important to both the tax administration office and public safety agencies.

Mr. Rothman said there was an optional product for consideration that automatically detected changes to any structure and allowed the appraiser to go directly to where the changes were.

In response to an inquiry from Commissioner Caskey, Mr. Rothman discussed several users of Pictometry and the savings their respective organizations had incurred with the use of orthophotography.

Chairman Sides said the cost for using Pictometry would be \$75,000, which would be paid over a three-year period. Mr. Rothman further discussed the pricing and what would be included.

Commissioner Mitchell inquired as to Pictometry's compatibility with the County's current GIS System. Mr. Rothman said applicable county staff would be given access to the website and have additional layers to utilize through the addition of Pictometry. The public would continue to utilize the current system in the same manner.

Tax Administrator Kelvin Byrd said orthophotography provided another layer of imagery and was another tool for staff to use.

Chairman Sides mentioned the value of the project as compared to the free services currently provided by the State. Mr. Rothman responded by assuring the Board a return for the investment.

Commissioner Barber felt the use of orthophotography would aid not only in making current staff more productive but avoid the need to hire additional staff in

the future. Commissioner Barber said one could not put a measure on public safety and that he felt the product would pay for itself.

Mr. Byrd said there was value from the Pictometry standpoint with regards to staff's ability to compare images. Mr. Byrd felt the tax office would see more advantage with the product's use than would Telecommunications, even though the Telecommunications Director would like to have the product. Mr. Byrd continued to discuss the utilization that would be available with Pictometry as opposed to the current process.

Commissioner Sides thanked Mr. Rothman for the presentation and for allowing the Board additional time to consider the purchase. Chairman Sides said the Board would review the information over the next two (2) weeks and consider the matter on the November 4, 2013 agenda.

Chairman Sides moved to delay a vote for two (2) weeks and to consider the matter at the next meeting. The motion was seconded by Commissioner Mitchell and passed unanimously.

7. PROPOSAL FOR CENTRAL OFFICE FOR ROWAN SALISBURY SCHOOL SYSTEM

Commissioner Pierce said in an effort to end the continual controversy and need for a consolidated central office for the Rowan Salisbury School System (RSSS), he would like to propose the following plan for the Board's consideration:

- To construct a functional, attractive and cost-effective structure that will offer true consolidation of departments necessary for effective educational concerns of our county.
- A total construction cost of six (6) million dollars, which would encompass all costs of the building, parking, furnishings and equipment for a fully functional facility. All sitework, drawings, permits and associated fees would be included in the six (6) million dollars.
- The Rowan Salisbury Board of Education (BOE) would have the option of selecting from five (5) sites that are currently owned by Rowan County for the central office location. The sites were as follows:
 1. Isenberg
 2. North Long Street
 3. Old Concord Road
 4. Summit Corporate Center
 5. China Grove

Commissioner Pierce referred to the agenda attachments for additional information on the size and locations of available sites.

Commissioner Pierce said the County would request to borrow the funding through the Local Government Commission (LGC) and debt service on the loan would be made from Article 40 and Article 42 sales tax revenue funds. Commissioner Pierce said if the BOE accepted the proposal, the County would instruct Staff to prepare a Memorandum of Understanding (MOU) immediately and site work could proceed with LGC approval.

Commissioner Pierce said it was the intent of the Board of Commissioners to resolve the long standing issue and move forward with the priority of educating children and building a better Rowan County.

Commissioner Pierce reported that conversations had taken place earlier in the day concerning different locations to possibly add to the list of properties in the agenda packet. Commissioner Pierce said he would prefer for the Board to vote on the proposal in the agenda packet first, for submission to the BOE and a vote by the BOE. Commissioner Pierce said he would like for the Commissioners to receive a letter of response from the Chairman of the BOE.

Chairman Sides explained that he, along with County Manager Gary Page, had met earlier in the day with RSSS Superintendent Dr. Lynn Moody and BOE Chairman Dr. Richard Miller. Chairman Sides said the meeting was positive and he had been impressed with Dr. Moody's and Dr. Miller's approach to the issue. Chairman Sides distributed a letter from Dr. Miller requesting the Commissioners take no action on the proposal in the agenda packet in order for the BOE to have the opportunity to discuss the proposal and make a recommendation.

Chairman Sides commended Commissioner Pierce for his efforts to move forward and resolve the central office matter. Chairman Sides reported that there were possibly two (2) different sites the BOE might wish to ask the BOC to consider.

Chairman Sides mentioned the mediation process and said he had advised Dr. Moody and Dr. Miller that he would not consider any of the proposed sites if there was not an agreement to resolve the pending mediation issue. While the topics were two (2) separate issues, and he could not speak for the entire Board, Chairman Sides said he was tired of the mediation process dragging on and he wanted the matter resolved.

Commissioner Pierce moved to send the proposal to the BOE. Commissioner Pierce continued by stating if the BOE wished to add additional sites, he had no problem looking at other locations. Commissioner Pierce felt it was important to send the proposal to the BOE first, in order to allow the BOE to see the Commissioners were truly enthusiastic about resolving the issue. Commissioner

Pierce felt a formal vote by the Commissioners would send the correct message and the BOE could then vote however it wished. Commissioner Pierce said if the BOE wished to send additional sites back, he was willing to amend the proposal to accept those sites and the Commissioners could move forward with determining if those additional sites were acceptable for consideration. The motion was seconded by Commissioner Caskey.

Commissioner Barber asked if any action today would be legally binding. Chairman Sides responded that a Memorandum of Understanding (MOU) would be a legally binding document and would bind future boards.

County Attorney Jay Dees said he understood the process being discussed was just the first step in arriving at an agreement that would be binding to both boards.

Commissioner Barber said the County was potentially looking at raising taxes next year and he did not want the central office to be on the "chopping block" if the Board was to face an even more significant tax increase.

Commissioner Pierce said if the BOE responded favorably to the proposal, it was his intention for the County to go immediately to the Local Government Commission (LGC) to secure funding. Commissioner Pierce expressed hope that by the time the budget process was underway, the central office would be under construction. Commissioner Pierce said the funding had been identified and there would be a binding MOU executed once the BOE voted on the matter. Commissioner Pierce added that budget issues would not affect the project moving forward if accepted by the BOE; however, he pointed out that if the BOE waited until July to respond, he could not make such a promise.

Chairman Sides did not think it was the intent of the Board, or any previous Board, to borrow the money and make debt service payments. Chairman Sides felt it had always been the intent that sales tax revenues would pay the debt service.

Commissioner Barber asked if a Phase I environmental assessment had been done on any of the proposed sites. County Manager Gary Page responded no and said once a site was selected, the Phase I would be performed. Commissioner Pierce added that all sites in Summit Corporate Center were certified.

Commissioner Sides commented the site in Summit Corporate Center was the one (1) site he would not vote for.

In response to an inquiry from Commissioner Barber, Chairman Sides said any alternative sites proposed by the BOE would be considered; however, it did not mean those alternative sites would be accepted. Chairman Sides said the Board

would provide its legal obligation to take care of the BOE's capital needs and put the issue to rest.

Commissioner Barber referenced the legal responsibilities of both boards. As Commissioner Barber began discussing the past history for a proposed central office, Chairman Sides interjected and stated the Commissioners were trying to resolve the problem and get beyond the history of what was said last week and last year. Chairman Sides said he would rather not digress and go back to what the problems had been in the past. Chairman Sides said he had been impressed with the demeanor of Dr. Moody and Dr. Miller, both of whom he described as gracious; he said the meeting held with them had been cordial. Chairman Sides said he felt progress had been made. Chairman Sides said the Board was not arguing over authority but rather saying yes to the money and resolving the issue for a site. Chairman Sides said the Commissioners were putting their best foot forward to give the BOE options and allowing the BOE to come back with additional options.

Commissioner Barber said he would vote yes to allow the BOE to exercise its legal authority to decide on the location.

Commissioner Mitchell commented the proposal was a start and the Board needed to understand going forward, there would be many more steps to the process. Commissioner Mitchell said the bottom line was that a proposal required the vote of three (3) members of the Board. Commissioner Mitchell said he personally had always felt the Old Concord Road site was best option. Commissioner Mitchell said as far as the five (5) sites proposed by Commissioner Pierce, there were at least three (3) Commissioners supporting any of those five (5) sites. Commissioner Mitchell said if the BOE came up with an alternative site, there might not be three (3) votes of support for that particular site. Commissioner Mitchell said in order to get to the second step in the process there must be four (4) votes by the BOE and three (3) votes by the Commissioners.

Chairman Sides said from Dr. Moody's comments, she would like a 7-0 vote from the BOE and he would like to have a 5-0 vote from the Commissioners.

Commissioner Mitchell said the proposal on the table was a start to five (5) sites and a clear signal the Commissioners were ready to move forward. Commissioner Mitchell said, "It's not what everybody wants" and there are going to be people who harangue over this decision.

Chairman Sides added that he had been impressed when Dr. Moody had stated, "This is not what we want, it's probably not what you want, but it may be what we can all live with".

Commissioner Caskey said it was important to note how everyone now agreed a central office was needed. Commissioner Caskey said he liked all five (5) sites offered in the proposal and that he would consider alternative sites offered by the BOE. Commissioner Caskey felt it was also important to “turn over a new leaf”, move forward and start fresh.

Upon being put to a vote, the motion on the floor passed unanimously.

8. CLOSED SESSION

Commissioner Pierce moved at 7:18 p.m. for the Board to enter Closed Session in accordance with North Carolina General Statute § 143-318-11(a)(1) for approval of Closed Session minutes and § 143-318.11(a)(5) to consider the purchase of real property. The motion was seconded by Commissioner Caskey and passed unanimously.

Chairman Sides called for a three-minute recess before the Board entered Closed Session.

The Board returned to Open Session at 8:04 p.m.

Commissioner Pierce moved to direct the County Manager to continue negotiations for the Salisbury Mall purchase. The motion was seconded by Commissioner Mitchell and passed 4-1 with Commissioner Barber dissenting.

At this point in the meeting, Commissioner Barber said he would like to publicly ask the City of Salisbury (City) not to sue the County or the Vice Chairman regarding what the City was calling “slander of title”. Commissioner Barber felt the City would honor the request since it was coming from him and since he had a good relationship with the City.

9. ADJOURNMENT

There being no further business to come before the Board, Commissioner Pierce moved to adjourn at 8:06 pm. The motion was seconded by Commissioner Mitchell and passed unanimously.

Respectfully Submitted,

Carolyn Barger, CMC, NCCCC
Clerk to the Board/
Assistant to the County Manager